

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ALLIANCE FOR OPEN SOCIETY
INTERNATIONAL, INC., OPEN SOCIETY
INSTITUTE, AND PATHFINDER
INTERNATIONAL

Plaintiffs, 05 Civ. 8209 (VM) (DF)

v.

UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT and
ANDREW S. NATSIOS, in his official capacity as
Administrator of the United States Agency for
International Development, *et al.*

Defendants.

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SUPPLEMENTAL DECLARATION OF REBEKAH DILLER

I, REBEKAH DILLER, hereby declare as follows:

1. I am an associate counsel at the Brennan Center for Justice at NYU School of Law, which represents the plaintiffs in the above-captioned case. I am admitted to practice before the bar of the State of New York and the United States District Courts of the Southern District of New York and of the Eastern District of New York.

2. Plaintiffs submit this declaration to enter exhibits into evidence in further support of the plaintiffs' motion for a preliminary injunction.

DESCRIPTION OF EXHIBITS

3. Attached as Exhibit 1 is a letter from U.S. Representative Mark E. Souder, Chairman of the House Committee on Government Reform's Subcommittee on Criminal Justice, Drug Policy, and Human Resources, to James Kunder, Assistant Administrator, Asia and Near East Bureau, United States Agency for International Development

(“USAID”), dated October 6, 2005. This letter was posted by the U.S. House of Representatives Committee on Government Reform on a website it maintains and that I printed on January 6, 2006 from the following URL:

<http://reform.house.gov/CJDPHR/News/DocumentSingle.aspx?DocumentID=35343>.

4. Attached as Exhibit 2 is a true and exact copy of a letter from U.S. Representative Mark E. Souder to Andrew Natsios, Administrator, USAID, dated December 7, 2005.

5. Attached as Exhibit 3 are relevant pages from House of Representatives Conference Report 109-265 (2005) describing appropriations made to various entities for HIV/AIDS prevention and care.

6. Attached as Exhibit 4 is a webpage posted by the International AIDS Vaccine Initiative (“IAVI”) on a website it maintains and that I printed on January 24, 2006 from the following URL: <http://www.iavi.org/viewpage.cfm?aid=24>. The webpage states that IAVI operates internationally and receives grants from private foundations as well as from governments.

7. Attached as Exhibit 5 is a USAID fact sheet entitled “USAID and the International AIDS Vaccine Initiative,” in which USAID characterizes IAVI as a non-governmental organization. This fact sheet was posted by USAID on a website it maintains and that I printed on January 24, 2006 from the following URL:
www.usaid.gov/press/releases/2002/fs020523_3.html.

8. Attached as Exhibit 6 are relevant pages from the April 30, 2001 edition of “CDC HIV/STD/TB Prevention News Update,” which notes that IAVI is based in New York. This publication was posted by the CDC’s National Prevention Information

Network on a website it maintains and that I printed on January 24, 2006 from the following URL: <http://www.cdcnpin.org/PrevNews/2001/apr01/update043001.txt>.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 24, 2006
New York, New York



REBEKAH DILLER